

## Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 SCS-03 CPR-01 IO-10 PPT-01

SY-04 SAJ-01 CIAE-00 DODE-00 PM-03 H-01 INR-07

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 /078 W

----- 052539

P R 271651Z JAN 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 7523

INFO AMEMBASSY BERLIN

AMEMBASSY VIENNA

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION USBERLIN

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 01369

E.O. 11652: GDS

TAGS: PGOV, PFOR, CONS, WG, EG, AU

SUBJECT: CONSULAR AGREEMENTS WITH GDR

REF: A)BONN 1075; B)BERLIN 5104; C)BONN

0960; D)STATE 16482; E)BONN 1174; F) STATE 12391

SUMMARY: THE GERMANS HAVE TOLD THE AUSTRIANS THAT BONN NEEDS SOMETHING DEMONSTRABLE FROM VIENNA TO SAFEGUARD FRG INTERESTS IN EVENT OF GDR-AUSTRIAN CONSULAR AGREEMENT. THE FRG EMBASSY IN LONDON WILL BE CONSULTING WITH THE FCO ON A POSSIBLE UK-FRG EXCHANGE OF LETTERS FOR THE SAME PURPOSE IN EVENT OF A UK-GDR AGREEMENT. END SUMMARY.

1. AT JAN 23 BONN GROUP MEETING, FRG REP (LUECKING) INFORMED ALLIES OF STATE OF PLAY OF FRG CONTROVERSY WITH CONFIDENTIAL

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AUSTRIANS ON PROJECTED GDR/AUSTRIAN CONSULAR AGREEMENT.

LUECKING SAID FRG AMBASSADOR GRABERT IN VIENNA HAD BEEN INSTRUCTED TO SEE AUSTRIAN FOREIGN MINISTER JAN 24. GRABERT WAS TO SAY FRG REGRETS CONTROVERSY, BUT THAT BONN HAD BEEN WARNING VIENNA FOR LAST SIX MONTHS OR SO THAT IT WOULD BE A BURDEN ON FRG-AUSTRIAN RELATIONS IF IT BECAME PUBLIC THAT AUSTRIANS HAD FAILED TO TAKE INTO ACCOUNT FRG POSITION ON NATIONALITY QUESTION. GRABERT WAS TO REITERATE FRG POSITION, EMPHASIZING THAT BASIC RELATIONS TREATY LEFT COMPLETELY OPEN QUESTION OF GERMAN NATIONALITY. FRG DID NOT OPPOSE AUSTRIAN/GDR CONSULAR CONVENTION, BUT FRG NEEDED SOMETHING DEMONSTRABLE FROM AUSTRIANS TO SHOW THAT BONN'S BASIC LEGAL POSITION REMAINED INTACT. FRG WANTS EXCHANGE OF LETTERS. GRABERT WAS TO TELL AUSTRIANS THAT FOREIGN MINISTER GENSCHER WAS PREPARED TO DISCUSS PROBLEM IN FORTHCOMING VISIT TO VIENNA.

2. LUECKING ALSO SAID BONN HAD BEEN DISMAYED AT STATEMENT OF FINNISH GOVERNMENT IN HELSINKI MORE OR LESS ASSOCIATING FINNS WITH AUSTRIAN POSITION. BONN HAD BELIEVED FINNS INTENDED TO WAIT ON QUESTION BUT THEY NOW SEEMED TO WANT TO TAKE ADVANTAGE OF SITUATION BY FOLLOWING AUSTRIAN LEAD.

3. FRG ALSO PASSED TO ALLIED REPS COPY OF PRESS RELEASE ISSUED BY GDR EMBASSY IN NEW DELHI WHICH CONDEMNS, AS A GROSS VIOLATION OF INTERNATIONAL LAW, THE CHARTER OF THE UN AND THE VIENNA CONVENTION, THE "ATTEMPTS MADE BY BONN TO INTERFERE IN THE RELATIONS OF THE GDR WITH THIRD STATES". LUECKING SAID THE FRG WAS PREPARING A STATEMENT FOR USE WORLDWIDE TO COUNTER GDR CHARGES.

4. FOREIGN OFFICE SOURCES TOLD US BILATERALLY JAN. 27 THAT THE MAIN IMMEDIATE FOCUS OF FRG EFFORT ON THE PROBLEMOF THIRD COUNTRY CONSULAR AGREEMENTS WITH THE GDR IS LONDON. INSTRUCTIONS HAD GONE OUT AT THE END OF LAST WEEK TO THE FRG EMBASSY IN LONDON FOR CONSULTATIONS WITH THE FCO LOOKING TO AN EXCHANGE OF LETTERS, WHICH WOULD BE MADE PUBLIC, SAFEGUARDING THE FRG LEGAL POSITION AND, APPARENTLY, CONFIRMING PAST PRACTICE WITH

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REGARD TO FRG CONSULAR ACCESS TO GDR CITIZENS. THE FOREIGN OFFICE TOLD US THE FINNS AGREED DURING GENSCHER'S VISIT TO HELSINKI LAST WEEK TO AWAIT THE OUTCOME OF THE UK-FRG CONSULTATIONS, AND CONSIDER THEIR POSSIBLE APPLICATION IN FINLAND'S CASE, BEFORE PROCEEDING TOWARD A CONSULAR AGREEMENT WITH THE GDR. THE GERMANS SAY THEY ASSUME THE AUSTRIANS WILL NOT TAKE ANY IRREVOCABLE ACTION UNTIL GENSCHER'S VISIT TO VIENNA OR,

IF THAT FAILS TO RESOLVE THE DIFFICULTIES, UNTIL  
KREISKY'S TRIP TO BONN LATER IN FEBRUARY. THEY SAY THEY  
HAVE MADE IT CLEAR TO THE AUSTRIANS THAT THEY WOULD  
REGARD IT AS AN UNFRIENDLY ACT IF THE AUSTRIANS WERE TO  
DO OTHERWISE.

5. IN ADDITION TO THE ABOVE DEVELOPMENTS, THE GDR DE-  
LIVERED A NOTE TO BONN LAST WEEK PROTESTING THE FRG'S

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 01369

POSITION ON THE GDR-AUSTRIAN CONSULAR AGREEMENT ISSUE  
(WE HAVE NOT SEEN THE TEXT). THE PROTEST WAS REBUTTED  
ORALLY AT THE TIME OF PRESENTATION, AND IT IS EXPECTED  
THAT A WRITTEN RESPONSE WILL FOLLOW.

6. COMMENT. THERE IS CONSIDERABLE UNEASINESS IN THE FOREIGN OFFICE THAT THE FRG, AND GENSCHER PERSONALLY, IS OVER-POSED AND POLITICALLY VULNERABLE ON THE GDR CONSULAR AGREEMENT ISSUE (THIS LINE IS ECHOED IN THE PRESS). THE FOREIGN OFFICE CLEARLY HOPES THAT THE FORMULAS THEY ARE NOW EXPLORING WITH THE BRITISH WILL ENABLE THEM TO AVOID RISK OF POLITICAL LOSS.

7. LATE ITEM: AFTER ABOVE DRAFTED WE RECEIVED CALL FROM FRG BONN GROUP REP (KASTRUP) CONCERNING FRG WISH  
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TO DEVELOP LINE TO TAKE IN RESPONSE TO FURTHER PRESS INQUIRIES AND EXPECTED BUNDESTAG QUESTIONS ON SOMMER ARTICLE (REFTEL E). (ON JAN. 24 EMBASSY HAD INFORMED FONOFF PER REFTEL D AND PROVIDED MATERIAL SET FORTH 6 WHITEMAN 686, AVOIDING SUBSTANTIVE COMMENT.) KASTRUP SAID FRG HAS BEEN RESPONDING TO PRESS INQUIRIES BY SAYING MATTER IS UNDER STUDY. HOWEVER, KASTRUP SAID, FONOFF WILL NEED SOMETHING MORE SUBSTANTIAL AT LATEST IN TIME FOR BUNDESTAG DEBATE ON GERMANPOLICY ON JAN. 30, WHERE QUESTION IS LIKELY TO BE PUT TO GOVERNMENT.

8. FRG WOULD LIKE TO MAKE RESPONSE, IF ASKED, ON LINES THAT US GOVERNMENT HAS ASSURED FRG THAT PAST PRACTICES WILL NOT CHANGE IN FUTURE, I.E., ANY GERMAN REQUESTING CONSULAR REPRESENTATION BY FRG IN US WILL HAVE REQUEST HONORED. GOVERNMENT WISHES TO SAY ALSO THAT 1962 STATEMENT BY STATE DEPARTMENT LEGAL OFFICER CONCERNED SPECIAL CASE AND WAS NOT GENERAL STATEMENT ON QUESTION OF NATIONALITY.

9. REQUEST DEPARTMENT'S GUIDANCE ASAP.  
HILLENBRAND

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## Message Attributes

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**Channel Indicators:** n/a  
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**Concepts:** FOREIGN RELATIONS, CONSULAR AGREEMENTS  
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**Copy:** SINGLE  
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**Disposition Approved on Date:**  
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**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
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**To:** STATE  
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